



# **Town Board Minutes**

## **Meeting No. 5**



### **Regular Meeting**

**February 27, 2006**

## ***Town Board Minutes***

February 27, 2006

Meeting No. 5

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 27<sup>th</sup> day of February, 2006 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCRACKEN, GENERAL CREW CHIEF

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA, to deliberate in Executive Session for the announced purpose of discussing a contractual matter regarding a Town building, a particular personnel matter and a pending lawsuit, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:47 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Village of Depew Police Department

**Brett, James**, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- traffic study

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- comments on news media
- real estate transactions

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- Nicholas Heights Subdivision traffic study requirement

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matter:

- Planning Board meetings and schedules

**Keysa, Stanley**, 65 Court Street, spoke to the Town Board on the following matter:

- Planning Board meeting schedule and order of meetings

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster regarding stop & yield intersections in Roseland Subdivision.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:31 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

February 27, 2006

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
February 7, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, New York State Electric & Gas Corp., 150 Erie Street,  
Lancaster, New York 14086, by letter dated February 2, 2006, has presented a cost proposal for  
the installation of one (1) 100W High Pressure Sodium luminaire at Broadway & Schwartz  
Road in the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts  
the proposal of New York State Electric & Gas Corp. for installation of the following:

1 - 100W High Pressure Sodium luminaire @ \$129.44

**TOTAL ANNUAL INCREASE - \$129.44**

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby  
authorized to accept and execute the proposal of New York State Electric & Gas Corp. for the  
above mentioned installation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File - street lighting proposal

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA. TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated February 13, 2006 has recommended the appointment of an individual to the position of regular part time Tutor with the Youth Bureau of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the position of regular part time Tutor, not to exceed nineteen hours per week, in the Town of Lancaster Youth Bureau, effective immediately, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

<u>NAME</u>	<u>RATE</u>
Julie Roberts 19 Greenbriar Dr. Lancaster, New York 14086	\$15.00 hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that due to the possible lack of a quorum on Monday, March 6, 2006, the regular meeting of the Town Board will be held Monday, March 13, 2006 at 8 P.M., preceded by a work session at 7 P.M.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: RMTGDATE (P1)



**PREFILED RESOLUTION NO. 5 - MEETING OF 2/27/06**

Giza/ \_\_\_\_\_ Authorize Permit Street Lights Country Club Gardens Subdivision

At the request of Supervisor Giza, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) (1) (j) of the Code of the Town of Lancaster, upon the application of **Christopher R. Glinski**, residing at 4 Country Place, Lancaster, New York, owner of Octane Auto Sales, for a Special Use Permit to conduct an automobile sales business as a proposed tenant on premises located at 5151 Genesee Street which is the southeast corner of the intersection of Transit Road and Genesee Street in the Town of Lancaster, Erie County, New York, and

**WHEREAS**, the owner of the premises Eileen M. Leo, d/b/a Kovach Enterprises has no objection to the use as witnessed by a sworn statement submitted by the proposed tenant, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial Motor Service District (CMS)" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Christopher R. Glinski, owner of Octane Auto Sales for the property locally known as 5151 Genesee Street in the Town of Lancaster upon the terms and conditions as set forth in the Zoning Ordinance and with the further condition that motor vehicles not be stored within any required sight line area at the intersection of Transit Road and Genesee Street pursuant to the Vehicle and Traffic Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: respecialuseoctaneautosales106

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**WHEREAS**, a Public Hearing was held on the 27th day of February, 2006 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted:

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on February 27, 2006;
2. That a Certified Copy thereof be published in the Lancaster Bee on March 2, 2006;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: rvtordchpt46stopsigns2006a

**LEGAL NOTICE**  
**NOTICE OF ADOPTION**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections**

**46-8.1** Stop Intersections designated, is hereby amended by adding thereto the following:

**ROSELAND SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>SIGN LOCATION</u></b>
St. Anthony Street	Steinfeldt Road	S.W. Corner
Rose Street	St. Anthony Street	S.W. Corner

**February 27, 2006**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 27th day of February, 2006 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 27th day of February, 2006.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated February 4, 2006 has requested the addition of members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

**ADDITION - Probationary Limited Active Member:**

Martin Kleparek, Jr.  
19 Main Street  
Bowmansville, New York

**ADDITION - Probationary Active Member**

Barbara Kleparek  
19 Main Street  
Bowmansville, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: RFIRE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, a vacancy exists in the Police Department of the Town of Lancaster in the position of Senior Clerk Typist, and

**WHEREAS**, Linda Hermann, presently employed in the Assessor's Office of the Town of Lancaster and currently positioned on the Promotional Civil Service list of candidates eligible for appointment to the position of Senior Clerk Typist, has requested an internal transfer from the Assessor's Office to the Police Department, and

**WHEREAS**, this transfer has been agreed upon by both the Assessor and the Chief of Police.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Linda Hermann, 25 Redlein Drive, Lancaster, New York be and is hereby appointed to the permanent Civil Service competitive position of Senior Clerk Typist, full time, continuing to accrue all benefits, with a salary of \$37,788 as set forth in the 2006 Schedule of Salaries for said position, effective February 27, 2006, in the Police Department of the Town of Lancaster.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**WHEREAS**, it is in the public interest of the Town of Lancaster to complete and file its Community Development Project Description Forms for Community Development Block Grant funding for the year 2006 - 2007, and

**WHEREAS**, a Public Hearing was held by the Town Board of the Town of Lancaster on October 3, 2005 to elicit from the public comments relative to the use of 2006 - 2007 Community Development Block Grant funds;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute and file the required 2006 - 2007 Community Development Project Description Application Forms for the year 2006 - 2007 for approval and execution of contract with the Erie County Community Development Block Grant Program to purchase a van to transport seniors to health care facilities, shopping areas, and other essential errands.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: recomdevelopblockgrant2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster has constructed a concession stand/storage building facility at the Town owned Westwood Park, and

**WHEREAS**, the Lancaster-Depew Little League Inc., ("League") a Not-For-Profit Corporation organized under the laws of the State of New York has utilized the beforementioned facility on designated dates in return for furnishing equipment for the concession facility/kitchen and

**WHEREAS**, the LEAGUE desires to exercise its option to renew the lease for an additional ten (10) years as provided for in the Agreement executed by the parties on October 21, 1996, and

**WHEREAS**, the Town Attorney has prepared a written Revised Agreement between the Town of Lancaster and the "League", which agreement sets forth the terms and conditions for the use of the facility during the ten (10) year period commencing upon execution of the said Revised Agreement;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute, on behalf of the Town, the Revised Agreement between the Town of Lancaster and Lancaster-Depew Little League Inc., for use of the concession facility/kitchen at the Town owned Westwood Park.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: littleleagueconcessionstand2006



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town has a current agreement with Lancaster Volunteer Ambulance Corps (LVAC) to provide ambulance and related services within the Town of Lancaster, which expired on December 31, 2005, and

**WHEREAS**, LVAC desires to have a five year contract with the Town to demonstrate the Town's commitment to continue to provide an ambulance service for the residents of the Town through LVAC so long as LVAC remains an all volunteer, not-for-profit organization, and

**WHEREAS**, the Town Board has reviewed a proposed contract which will cover a five year period commencing January 1, 2006 and expiring December 31, 2010, and

**WHEREAS**, the Town shall contribute a sum of \$45,000 per year to LVAC as a substitute for providing equipment, vehicles and space, and

**WHEREAS**, the Town Board deems it in the public interest to continue to contract with the LVAC under the terms of the proposed agreement;

**NOW, THEREFORE, BE IT  
RESOLVED,**

1. That the Supervisor, on behalf of the Town, is hereby authorized to execute a contract with LVAC commencing January 1, 2006 and expiring December 31, 2010, and

2. That upon the full execution of said contract, an original thereof shall be filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: rlvacagreement2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTGOMERY, TO WIT:

**WHEREAS**, Marrano/Marc Equity Corporation has requested that the Town Board approve the developer undertaking clearing and grubbing of the site within the Pleasant Meadows development which has been proposed for the development of patio homes, and

**WHEREAS**, the applicant has submitted its Notice of Intent (NOI) to the Department of Environmental Conservation (DEC) together with its Storm Water Pollution Prevention Plan, and

**WHEREAS**, the applicant has further met with the U.S. Army Corp of Engineers (USACOE) regarding the entire Pleasant Meadows development and the USACOE has issued a wetland permit, and

**WHEREAS**, the applicant has advised the Board in its request for permission to clear and grub the area aforescribed that it will comply with the NYSDEC and the USACOE wetland permits and has further produced for the Town written approval from NYSDEC for the disturbance of greater than five (5) acres which is attached hereto and made a part hereof,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby grants permission to Marrano/Marc Equity Corporation to engage in clearing and grubbing activities on the proposed Pleasant Meadows Patio Homes Subdivision with the condition that the developer remain in compliance with the NYSDEC and USACOE wetland permits.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: rpleasantmeadowspatiohomesexcavating206

New York State Department of Environmental Conservation

Division of Water, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7070 • FAX: (716) 851-7099

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Commissioner

February 14, 2006

Mr. Victor Martucci  
Marrano Marc Equity Corp.  
2730 Transit Road  
West Seneca, New York 14224-2533

Dear Mr. Martucci:

**Request to Disturb More Than 5 Acres at a Time  
Pleasant Meadows Patio Homes Subdivision  
SPDES General Permit GP-02-02  
Permit Number: NYR10K144**

I have reviewed your request to disturb more than 5 acres at a time at the above mentioned project and approve it. If you have any questions, I can be reached at 851-7070.

Sincerely,

William H.L. Smythe, III, P.E.  
Environmental Engineer 2

WHL.S/jm

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK. TO WIT:

**WHEREAS, SOUTHEAST WORKS** provides general cleaning services to  
the Town of Lancaster at the Town Court and Police Headquarters Building through its  
Supported Employment Program, and

**WHEREAS,** the Town Board deems it in the public interest to continue this  
service;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby  
authorizes the Supervisor of the Town of Lancaster to execute a contract with the Southeast  
Works which will provide for a continuation of cleaning services at the Town Court and Police  
Headquarters Building located at 525 Pavement Road, Lancaster, New York pursuant to the  
terms of the proposal submitted by Southeast Works.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File rsoutheastworkcleaningcontract2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 777 to Claim No. 1122 Inclusive

Total amount hereby authorized to be paid: \$1,119,120.45

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13466	Sheehan, Jerome	15 Fieldstone Ln	Er. Res. Add.
13467	Kling, Ann	330 Ransom Rd	Er. Res. Add.
13468	Ferry Builders Inc	134 Nichter Rd	Er. Dwlg.-Sin.
13469	North Forest Devel	2809 Wehrle Dr	Er. Sign-Wall - Suite 13
13470	North Forest Devel	2809 Wehrle Dr	Er. Sign-Wall - Suite 14
13471	North Forest Dev	2813 Wehrle Dr	Er. Sign-Wall - Suite 1
13472	Vining, Myra	42 N Aurora St	Er. Sign (V/L)
13473	Schwach, Charles	5432 Broadway	Er. Sign (V/L)
13474	Gary Pools Inc	87 Country Pl	Er. Pool-In Grnd
13475	Colley's Pool Sales Inc	12 Transit Blvd	Er. Fireplace
13476	Crist Contracting	47 Stephens Ct	Er. Deck (V/L)
13477	Essex Homes Of WNY	17 Americo Ct	Er. Dwlg.-Sin.
13478	Nail Design	4779 Transit Rd	Er. Sign-Temp
13479	Ulrich Sign Co	800 Commerce Pkwy	Er. Sign (V/L)
13480	Superior Decks	7 Beatrix Cir	Er. Deck

**BE IT FURTHER.**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

## **SUSPENDED RESOLUTIONS:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Montour, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

## **SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has requested the Town Board to advertise for bids to furnish six (6) new 2006 Police Vehicles for use by the Police Department, and

**WHEREAS**, the Public Safety Committee of the Town Board has approved such request;

## **NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on March 15th, 2006 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of six (6) new 2006 Police Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS  
AND/OR  
AUTOMOBILE DEALERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 15th day of March 2006, for furnishing six (6) new 2006 Police Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

February 27, 2006



**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, GT Group Telecom (USA) LLC has requested that the Town of Lancaster being the assessing unit for the municipality act pursuant to the authority granted the Town in §610 (2) Real Property Tax Law (RPTL) to permit GT Group Telecom to file a complaint with the State Board of Assessment regarding the special franchise assessment imposed by the State Board on its telecom lines past the complaint filing deadline of February 20, 2006, and

**WHEREAS**, the Town Assessor has no objection to the late filing since the assessment in question is not significant overall, and

**WHEREAS**, GT Group Telecom had mistakenly filed its complaint with the Town in a timely fashion but not with the State;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster pursuant to the authority granted in §610 (2) RPTL hereby grants permission to GT Group Telecom (USA) LLC, 1066 West Hastings Street, Vancouver British Columbia to file its complaint on the special franchise assessment set by the State Board of Assessment past the deadline of February 20, 2006, and

**FURTHER**, authorizes the Supervisor to execute a consent so permitting that late filing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 27, 2006

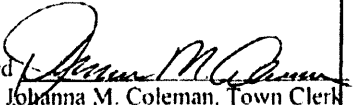
File: rgigrouptelecom206

## COMMUNICATIONS & REPORTS:

80. Town Clerk to Town Board -  
Transmittal of monthly report for January 2006. DISPOSITION = Received & Filed
81. General Crew Chief to Planning Board Chairman, Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Notice of reserved judgment from the Town Forestry Department regarding sketch plan for Pleasant Meadows R-1 Subdivision Part 2; awaiting submittal of site plans.  
DISPOSITION = Planning Committee
82. Executive Director, Association of Towns of the State of New York to Supervisor -  
Letter regarding exclusion of PERMA at Association of Towns Training School.  
DISPOSITION = Received & Filed
83. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held Friday, February 24, 2006, 11:00 AM at Hyatt Regency Buffalo. DISPOSITION = Received & Filed
84. Executive Director, Youth Bureau to Supervisor -  
Request appointment of Julie Roberts as Tutor, Part Time. DISPOSITION = Resolution 2/27/06
85. Erie County Department of Environment & Planning, Division for Sewerage Management to Town Attorney -  
Comments regarding SEQR for Pleasant Meadows Subdivision 3. DISPOSITION = Planning Committee
86. Addison Law Firm to Town Clerk -  
Advisement of liquor license renewal for Fox Valley Beverage Corporation.  
DISPOSITION = Town Attorney
87. NYS Office of Real Property Services to Supervisor -  
Notice of preliminary approval of A1 Grant Application for Real Property Tax Administration Technology Improvement Program. DISPOSITION = Received & Filed
88. The Frantz Family to Town Board -  
Comments and concerns regarding proposed Pilot Truck Stop on Transit Road.  
DISPOSITION = Planning Committee
89. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice to meeting to be held Wednesday, March 1, 2006, 9:30 AM in Buffalo.  
DISPOSITION = Received & Filed
90. NYS DOT to Supervisor -  
Notification of proposed resurfacing of Broadway from Bowen Road to Alden West Village Line during 2006 construction season. DISPOSITION = Received & Filed
91. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Request for additional tree lines regarding site plan of Dunkin' Donuts, S.E. corner Transit Road and Flix Drive. DISPOSITION = Planning Committee
92. Town Engineer to Town Board -  
Recommend acceptance of Public Improvements for Country Club Gardens Subdivision, namely storm sewer, pavement and curb, and water line. DISPOSITION = Planning Committee
93. Buffalo Tournament Club Golf Course to Town Clerk -  
Advisement of liquor license renewal. DISPOSITION = Town Attorney
94. Town Line Fire Department to Town Clerk -  
Request for change in membership. DISPOSITION = for Resolution
95. Bowmansville Volunteer Fire Association to Town Clerk -  
Request for change in membership. DISPOSITION = Resolution 2/27/06

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED,** the meeting was adjourned at 9:47 P.M.

Signed   
Johanna M. Coleman, Town Clerk